

SJ7 WORKGROUP – SURVEY OF STATES
OCTOBER 2007

During August and September, the Quality Assurance Division contacted every state to inquire whether they have statutes, administrative rules or procedures for criminal background checks for direct care workers or health care workers. See the attached table for each state.

Each state was asked 10 basic questions about their program.

1. *Does your state have requirements under state law, administrative rule or procedure for criminal background checks for direct care workers or health care workers?*
 - Forty-three states have regulations, and
 - Seven states do not: Alabama, Colorado, Connecticut, Montana, North Dakota, South Dakota and Wyoming.
2. *Is your required criminal background check, name based, Social Security number (SSN) ID based, date of birth, fingerprint check, FBI or other.*
 - Twenty-three states (53%) use a combination of name, SSN, date of birth, fingerprint check, FBI or other (usually state registries) when conducting a criminal background check,
 - Twelve states (28%) use name or SSN,
 - Eight states (19%) use fingerprint check only, and
 - In some instances, states use fingerprint check and FBI only when there is reason to believe further investigation is needed.
3. *What services in your state require criminal background checks?*
 - Forty-two states (98%) identified long term care facilities,
 - Thirty-nine states (91%) identified home health agencies and 11 states (26%) also identified in home client services (e.g., homemaker or companion services),
 - Thirty states (70%) identified assisted living facilities,
 - Twenty-three states (53%) identified hospice services,
 - Sixteen states (37%) identified adult day care services,
 - Twelve states (37%) identified hospitals,
 - Twelve states (28%) identified residential care services, and
 - Eight states (17%) identified retirement homes, and
 - Other services identified were ICFDD & ICFMR (seven states 16%)
4. *Do your regulations specify which direct care workers are required to have background checks?*
 - Thirty states (70%) identify any individual, contracted employee or volunteer who has access to a patient or resident are required to have background checks, and
 - Thirteen states (30%) identify specific positions (For example: CNAs or nurses, etc.).
5. *Do your regulations identify or list disqualifying events or violations that bar employment?*
 - Forty states (93%) identify disqualifying events or violations, and
 - Three states (7%) do not identify disqualifying events or violations.

6. *What is the cost of the criminal background check?*

Table 1

See Table 1 for base rate charges for criminal background checks. Many states' fees cover a range depending on whether an FBI fingerprint check is done.

Base Cost	Number States
\$0 to \$5	3 (7%)
\$6 to \$25	19 (44%)
\$26 to \$45	4 (9%)
\$46 to \$65	6 (14%)
\$66 to \$85	5 (12%)
Amount Unknown	6 (14%)

7. *Who pays the cost for the criminal background check: health care provider, state, health care worker or shared?*

- In 21 states (49%) the cost of the background check is paid by the health care provider,
- In 13 states (30%) it varies between the provider and the applicant as to who pays for the background check,
- In five states (12%) the worker pays,
- In three states (7%) the state pays, and
- One state (2%) did not know who paid the cost.
- In some instances, states said it was not regulated who pays the cost of a background check and the provider decides.

8. *Who completes the criminal background check verification?*

- In 22 states (51%) law enforcement does the criminal background check,
- In eight states (19%) the provider can choose to have law enforcement do the check or they can contract with private sources,
- In seven states (16%) the state agency does the background check,
- In five states (12%) it is a combination of law enforcement and FBI, and
- One state (2%) does not have a procedure in place.

9. *Does your state provide an appeals process for applicants who are denied employment because of the results of the criminal background check?*

- Twenty-three states (53%) provide an appeals process, and
- Twenty states (47%) do not.

10. *If contacted, will your state provide confirmation of criminal background checks that have been completed within the past year?*


- Twenty-two states (51%) said NO,
- Twenty states (47%) said YES, and
- One state (2%) has no policy in place yet.
- It should be noted that many states that said they could provide confirmation of a criminal background check also indicated they could not disclose the results of the check.

State Survey Criminal Background Check

State Contact Info	Are there requirements under state law, admin rules or procedure?	Is criminal background ck: Named based, SSN ID, DOB, FP, FBI, other?	What services require bkg ck?	Do regulations specify which direct care workers required to have bkg ck?	Do regs identify disqualifying events/violations that bar emp?	Cost of bkg check?	Who pays for bkg check?	Who completes bkg check verification?	Does state provide appeals process?	Will state provide confirmation of bkg check completed w/in past year?
Alabama	No									
Alaska (CMS Pilot Prog) Mel Richardson Dept of Health Services 907-269-3615 MLRichardson@alaska.gov	Yes, state law and rule http://www.legis.state.ak.us/cgi-bin/folioisa.dll/stattx05/query=4712E0512E300/doc/%7B@20015%7D? http://www.hss.state.ak.us/publicnotice/PDF/145.pdf	Registry cks, name, SSN, DOB, FP (state & FBI)	LTC, ALF, retire hms, hm & comm based srvs, or any indiv or entity req to be licensed or certified by depart or rec payments from depart to provide srvs admin by depart	Yes 7 AAC 10.900(4)(b), RNs req as part of cert, MDs not req at this time	Yes 7 AAC 10.905 http://www.hss.state.ak.us/dph/CL/bgcheck/assets/BarrierCrimeMatrix.pdf	\$84 total: \$24 process fee, \$35 state & \$24 FBI. Volunteers pay \$59 for FP ck. \$25 if emp chgs job & bkg ck <6 yrs	Varies between provider & applicant	State agency, DHS, Certification & Licensure Sec	Yes	Yes Verify if employable or unemployable
Arizona Mike Timmerman AZ Dept of Public Safety 602-223-2639 mtimmerman@azdps.gov	Yes, state law http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/36/00411.htm&Title=36&DocType=ARS	Technical FP search at both state and FBI	Residential care institution, LTC, and HHA	Yes, employees, owners, and contracted persons who provide direct care, home health services, or supportive services	Yes http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/41/01758-03.htm&Title=41&DocType=ARS	Yes \$52 if paid emp of facility or \$46 if volunteer working in facility. \$24 (or \$18) to FBI, \$25 DPS, \$3 Admin Appeals Brd	Health care provider or health care worker -- employer decides	Dept of Public Safety	Yes	DPS can tell if valid FP clearance card issued or not
Arkansas Tommy Wingard Dept Human Services 501-682-6117 tommy.wingard@arkansas.gov	Yes, state law and admin rules Link to search code: http://www.arkleg.state.ar.us/NXT/gateway.dll?f=templates&fn=default.htm&vid=blr:code AR Code Ann. §20-33-201	Name based, SSN, driver's license, DOB. If applicant lived in state <5 yrs, req FBI ck	LTC, ALF, res care fac, ICFMR, ADC, HHA, and HPC	Yes, any individual who provides care or services and has direct access to residents, other than exempted "licensed" positions identified in §20-33-211	Yes, 37 disqualifying events identified in AR Code Ann. §20-33-205	\$22 state record ck and \$24 FBI	Health care provider or health care worker. Provider decides who pays	AK State Police	No, applicant would have to contact state police for any mistakes on applicant's record	Yes, only able to say whether applicant is eligible or ineligible to work
California Ms. Ley Arquisola CA Dept of Public Health 916-552-8893 larquiso@dhs.ca.gov	Yes CDPH regulates LTC, ICFDD & HHA http://www.leginfo.ca.gov/cgi-bin/calawquery?codesect=20, Secs 1338.5 & 1736.6 (ADC 1575.7)	SSN & FP	LTC, ICFDD, HHA & ADC (ADC not under contact's jurisdiction)	Yes, see quest 1	Yes http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=hsc&codebody=&hits=20, Sec 1337.9 & 1736.5	SSN & FP. No cost to applicant. Venders chg \$10-\$18 and Dept of Justice \$32	Health care provider or training facility. HHA pays own FP cost	CA Dept of Justice	Yes	Yes
Colorado	No									
Connecticut	No, only bkg ck for owner or applicant for license of nursing home									

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Delaware Ken Thompson Delaware Health & Social Services, Div of LTC 302-577-7295 X244 Kenneth.E.Thompson@state.de.us	Yes, state law and rule http://delcode.delaware.gov/title16/c011/sc04/index.shtml#TopOfPage	FP, FBI, & state bkg ck	LTC, ALF, HHA, grp homes & those under contract to provide srvs	Yes, all applicants for employment in named facilities	Yes http://regulations.delaware.gov/AdminCode/title16/3000/3105.shtml#TopOfPage	\$69 total - \$24 FBI & \$45 to state	State pays first FP ck for LTC & HHA; after that, emp or applicant pays; all temp agencies resp for fee	Law enforcement	No, unless applicant can prove state in error	No, only for employers in DE
Florida Cara Lee Starnes Agency for Health Care Administration, Bureau of LTC Services 850-410-3400 starnesc@ahca.myflorida.com	Yes, state law http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch0435/titl0435.htm&StatuteYear=2007&Title=%2D%3E2007%2D%3EChapter%20435	Level 1: FL Dept of Law Enforcement, name, SSN & DOB; Level 2: inclu Lev 1 plus FP & FBI ck	LTC, ALF, HHA, HOS, HPC, hlth care clinics, nurse registries, ICF/DD & hm med equip http://ahca.myflorida.com/MCHQ/Long_Term_Care/Background_Screening/BGS%20Who%20is%20required%20to%20be%20screened.pdf	Yes Statute for ea provider type specifies which pos undergo bk ck http://ahca.myflorida.com/MCHQ/Long_Term_Care/Background_Screening/BGS%20Who%20is%20required%20to%20be%20screened.pdf	Yes http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Statute&URL=Ch0435/titl0435.htm&StatuteYear=2007&Title=%2D%3E2007%2D%3EChapter%20435,Sec.03.&.04	Level 1 \$23; Level 2 \$47	Usually facility pays	FL Dept of Law Enforcement	Yes	Yes
Georgia Kris Adams Dept of Human Resources 404-657-1511 kaadams@dhr.state.ga.us	Yes, state law OCGA 31-7-250 & 260 <u>Link to search statutes:</u> http://www.lexis-nexis.com/hottopics/gacode/default.asp	Name, SSN, DOB, FP & FBI http://ors.dhr.georgia.gov/portal/site/DHR-ORS/menuitem.a7e86d3fa49a7a608e738510da1010a0/?vgnextoid=0dfe44c26e5fff00VgnVCM100000bf01010aRCRD	LTC, personal care hms & private home care providers	Yes, directors, owners & mgrs of personal care hms req to have FP ck; private hm care providers or owners req to have FP ck; nursing hm & per care hm employees obtain name ck locally	Yes, OCGA 31-7-250 & 49-2-14.1	Total \$24	Health care worker	GA Bur of Investigation (GBI) and the FBI	Yes	Yes
Hawaii Terri Byers Dept of Health 808-262-7294 terri.byers@doh.hawaii.gov	Yes, state law. Rules not yet developed http://www.capitol.hawaii.gov/session2006/bills/GM750_.PDF	Name, SSN, DOB, FP & gender	LTC, ALF, retmt hms, HHA, intermed care fac, adult res care hms, expanded adult res care hms, spec treat fac, therapeutic liv prog, IDFDD, rural hlth ctrs & rehab agencies, apps for licensure, fac oper & volunteers	Yes, persons providing care or having access to residents	Yes, rule will be more specific	Not identified	Health care worker	Not identified	Yes	Not identified

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Idaho (CMS Pilot Prog) Sue Altman Dept Health & Welfare Criminal History Unit 208-332-7997 altmans@DHW.Idaho.gov	Yes, state law and rule http://adm.idaho.gov/adminrules/rules/idapa16/0505.pdf http://adm.idaho.gov/adminrules/rules/idapa16/0506.pdf Idaho Statute 56-1004A	FP, FBI, & ID State Police	LTC, personal care facility, med & non med home community based services, residential care settings, state mental hosp, DD facility & vets home. List of all provider types in IDAPA 16.05.06. http://adm.idaho.gov/adminrules/rules/idapa16/0506.pdf	Yes, CNA, nurses, but depends on employee's access to resident -- each facility decides if worker has access.	Yes http://adm.idaho.gov/adminrules/rules/idapa16/0506.pdf , Sec 210	FP ck \$48. Includes: ID State Police \$10, FBI \$24, Criminal History Unit \$14	Applicant, but sometimes facility pays	DHW, Criminal History Unit	Yes	Yes
Illinois (CMS Pilot Prog) Jonna Veach Furlich IL Dept of Public Health 217-785-9165 jonna.furlich@illinois.gov	Yes, laws & rules http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1303&ChapAct=225%26nbsp%3BILCS%26nbsp%3B46%2F&ChapterID=24&ChapterName=PROFESSIONS+AND+OCCUPATIONS&ActName=Health+Care+Worker+Background+Check+Act%2E Amended law not in effect until new rules in place http://www.ilga.gov/legislation/publicacts/fulltext.asp?Name=095-0120 http://www.ilga.gov/committees/mission/jcar/admincode/077/07700955sections.html	Currently named based; FP when new rules in place	LTC, ALF, HHA, HOS, HPC & any owner or licensee def as healthcare employer	Yes For healthcare employer (other than LTC) it is non-licensed dir care wkr; For LTC, it is non-licensed access wkr	Yes http://www.ilga.gov/committees/mission/jcar/admincode/077/07700955001600R.html	Name based \$16; FP \$15 +Livescan vendor chg	Health care provider pays for CNA, but other fac types can share cost with emp	IL State Police	Yes	Yes
Indiana Debbie Beers IN State Dept of Health 317-233-7067 dbeers@isdh.in.gov	Yes, law and rules http://www.in.gov/legislative/ic/code/title16/ar28/ch13.html http://www.in.gov/legislative/iac/T04100/A00162.PDF ?, Sec 14 (pg 38)	Limited criminal history ck is name and SSN; juvenile FP ck	LTC, ASC, HHA, HOS & HPC	Yes, nurse aide and other unlicensed employees	Yes IC 16-28-13-3	Contact does not know since done by state police or private company	Provider and applicant IC 16-28-13-6	IN State Police or private sources allowed to use local police	No	No

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Iowa Greg DeMoss Direct Care Worker Registry, Dept of Inspections & Appeals, Div of Health Fac 515-281-4077 Greg.DeMoss@DIA.iowa.gov	Yes, code IAC 441-81.1(249A) & 481-58.1(135C) http://www.legis.state.ia.us/Rules/Current/iac/481iac/48158/48158pp1.pdf	SSN and review other state registries if emp from another state	LTC & any facility that employs CNAs	Yes, CNAs only. Task force developing new criteria for other job classifications	Yes, see quest 1	SSN, \$12	Health care provider	Dept of Public Safety. LTC fac req to ck Central Abuse Registry which includes: Dependent Adult Abuse Reg, Sex Offender Reg & Child Abuse Reg	Yes, can req waiver from DHS	No
Kansas Ms. Sarita Everett KS Dept Health & Environment 785-296-6958 sarita.everett@kdhe.state.ks.us	Yes, state law http://www.kslegislature.org/legsrv-statutes/getStatuteInfo.do , KSA-39-970 & 65-5117	Name, SSN, DOB & gender	LTC, ALF, HHA, HPC, ADC, & staffing agencies	Yes Anyone w/dir care contact and/or all non-licensed emp; RNs & LPNs checked by professional brd	Yes http://www.kdheks.gov/hoc/ach_adm_resouces/cbc/offenses.pdf Prohibitions can be perm or 5 yrs	Name based \$10	Health care provider	KS Bureau of Investigation	No Prohibitions can be removed by order of expungement or docs showing 5 yrs since fulfilling sentence reqs	Yes http://www.kdheks.gov/hoc/disclaimer.html www.ksnurseaidregistry.org Results mailed out on indiv who have criminal history
Kentucky Pat True Office of Inspector General 502-564-7963 X3290 patricia.true@ky.gov	Yes, state law http://www.lrc.ky.gov/KRS/216-00/CHAPTER.HTM	Facilities ck with Justice & Public Safety Cabinet	LTC, ALF, HHA, nursing pools & family care homes	Yes, those providing direct services to a resident or client	Yes http://www.lrc.ky.gov/KRS/216-00/532.PDF http://www.lrc.ky.gov/KRS/216-00/533.PDF http://www.lrc.ky.gov/KRS/216-00/789.PDF	Contact does not know, since facility pays. Believes fee about \$5	Health care provider	Justice & Public Safety Cabinet	No	No
Louisiana Carolyn Dell (LTC) Dept of Health & Hospitals 225-342-1997 cdell@dhhs.la.gov Yvonne Stewart (Adult Res) Dept of Social Services Bureau of Residential Licensing 225-342-9471 ystewart@dss.state.la.us Marian Tate (HHA & HPC) Dept of Health & Hospitals 225-342-6446 mtate@dhhs.la.gov	Yes, state law & regs http://www.legis.state.la.us/lss/lss.asp?doc=97355 http://www.legis.state.la.us/lss/lss.asp?doc=97356 http://www.dss.state.la.us/Documents/OS/AdultResidential.pdf , pg 17  document.pdf	Name; FP if need more info	LTC, HPC, adult res care hm, ADC, HHA, HPC & personal care attendant providers	Yes, any unlicensed personnel who provide dir care	Yes http://www.legis.state.la.us/lss/lss.asp?doc=97356	State bkg ck \$26, FBI additional \$24	Health care provider	LA State Police or an authorized agent of state police http://www.lsp.org/who_support.html#criminal	No	Yes, LA State Police

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Maine Catherine Valcourt Dept of Health & Human Servs 207-287-2974 catherine.valcourt@maine.gov	Yes, law & rules Personal Care http://janus.state.me.us/egis/statutes/22/title22sec1717.html HHA http://janus.state.me.us/egis/statutes/22/title22sec2149-a.html ADC http://janus.state.me.us/egis/statutes/22/title22sec8606.html Assisted housing prog http://janus.state.me.us/egis/statutes/22/title22sec7851.html	Name, SSN & ck of neighboring states – VT & NH	Personal care agencies, HHA, res care, temp agencies & ADC	Yes, CNAs & unlicensed assistive personnel	Yes Personal Care http://janus.state.me.us/egis/statutes/22/title22sec1717.html , Sec 3 HHA http://janus.state.me.us/egis/statutes/22/title22sec2149-a.html , Sec 2 ADC http://janus.state.me.us/egis/statutes/22/title22sec8606.html , Sec 1 Assisted housing prog http://janus.state.me.us/egis/statutes/22/title22sec7851.html , Sec 4	\$25 for name & SSN	Health care provider or emp agency	State Bureau of Identification	Yes	Yes, CNA only
Maryland Margie Heald Dept of Health & Mental Hygiene 410-402-8101 mheald@dnh.state.md.us	Yes, state law §19-1901	Apply for state crim history records ck or req pri agcy ck of ea state in which fac knows or has reason to know emp worked or resided in past 7 yrs	LTC, ADC, HPC, ALF & HHA	Yes, employee who has routine and dir access to dependent adults	Yes §19-1909	\$70-\$90 for FP	Health care provider	Law enforcement or pri agency	Yes §19-1908	No
Massachusetts Sherman Lohnes Dept of Public Health 617-753-8160 sherman.lohnes@state.ma.us	Yes, regs http://www.mass.gov/Eeohhs2/docs/dph/regs/105cmr155.pdf , Sec 010(G)(3)	Name & SSN, ck of state criminal hist sys brd	LTC, rest hms, HHA, res care, HPC, homemaker servs	No, by facility type and dir access to residents	Yes http://www.mass.gov/Eeohhs2/docs/dph/regs/105cmr155.pdf , Sec .011	Name & DOB \$15	Health care provider	Exec Off of Pub Safety	No Would need to appeal to hiring facility	No


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Michigan (CMS Pilot Prog) Toni Dennis Dept of Community Health dennist@michigan.gov	Yes, state law http://www.miltcpartnership.org/MainSite/W1.aspx , Public Acts 26-29	All available registries are checked first (Public Sex Offender, Office Inspector General, Offender Tracking Info Sys (OTIS), ICHAT an internet named base access tool, and Nurse Aid Registry) for no exclusionary findings before doing FP check	LTC, county medical care fac, HPC, HOS that provides swing bed services, home for the aged, HHA, psychiatric facility, ICFMR, and AFH	Yes, an individual who regularly has direct access to or provides direct services to patients or residents in the health facility. "Direct access" means access to a patient or resident or to a patient's or resident's property, financial information, medical records, treatment information, or any other identifying information	Yes http://www.miltcpartnership.org/MainSite/W1.aspx , Public Act 28, Sec 20173a(1)(b)	\$70 fee pd by CMS grant	No chg during pilot. Grant ends 9/07. Portion reimbursable to dept or provider by CMS	Provider cks registries, MI State Police run FPs through auto FP ID sys (AFIS) and forwards digital FPs to FBI, and state agencies (Depts of Community Health and Human Servs) rev "rap sheet," if record, and makes emp decision	Yes	Yes Name search by facility type. Going to centralized registry system
Minnesota Roger Golden Dept of Human Services 651-297-7014 roger.golden@state.mn.us	Yes, law http://www.revisor.leg.state.mn.us/bin/getpub.php?pubtype=STAT_CHAP&year=current&chapter=245c	Instate: name & DOB & may use DL# and/or SSN. FP ck if out of state or further pertinent info needed	LTC ALF, HHA, HOS, HPC, pers care prov organizations, supplement nursing agencies & licensed progs defined in law	Yes, Current or prospective empl/volunteers w/dir contact w/person srved by fac, agency or prog	Yes http://www.revisor.leg.state.mn.us/bin/getpub.php?pubtype=STAT_CHAP&year=current&chapter=245c#stat.245C.15.0	No chg for licensed progs, \$20 for unlicensed program	Health care provider	Commissioner of Dept of Human Services	Yes http://www.revisor.leg.state.mn.us/bin/getpub.php?pubtype=STAT_CHAP&year=current&chapter=245c#stat.245C.23.0	No
Mississippi Dina Russell MS Dept of Health dina.russell@msdh.state.ms.us	Yes, laws and regulations http://billstatus.ls.state.ms.us/documents/2003/html/HB/1000-1099/HB1077SG.htm http://www.msdh.state.ms.us/msdhsite/_static/30,0,83,60.html	FP ck by Mississippi Criminal Information Center (MCIC) & FBI	HOS, nursing home, pers care hm, HHA or HPC	Yes, any indiv empl of licen entity inclu any indiv who by contract prov patients, residents or clients dir, hands-on, medical care in patient's, resident's or client's rm or in treatmt or recovery rms	Yes http://billstatus.ls.state.ms.us/documents/2003/html/HB/1000-1099/HB1077SG.htm , Sec (5)(d)	\$50 per card	Up to facility	FPs done by either law enfment or fac and card sent to DoH and FPs sent to MCIC/FBI	No, any appeal is made to the hlth care fac On-line affidavit http://www.msdh.state.ms.us/msdhsite/_static/30,0,206.html	Yes, can tell if bkg ck done but cannot release results
Missouri Rick Jury Dept of Health & Senior Services 573-526-8532 rick.jury@dhss.mo.gov	Yes, state law and rules http://www.moga.mo.gov/statutes/c600-699/6600000317.htm http://www.sos.mo.gov/adrules/csr/current/19csr/19c30-85.pdf http://www.sos.mo.gov/adrules/csr/current/19csr/19c30-86.pdf	Name, SSN, DOB	LTC, HOS, HHA, in-hm serv & consumer dir serv vendor providers under contract w/DHSS, HPCs, or ADC	Yes Any person who has contact with patient or resident	Yes http://www.moga.mo.gov/statutes/c600-699/6600000317.htm , Sec 6	Varies: \$5 indiv, \$10 employer, \$20 for agency to ck	Health care worker	MO State Hwy Patrol	Yes http://www.dhss.mo.gov/goodcausewaiver/	No, but ind can ck Family Care Registry http://www.dhss.mo.gov/FC SR/

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Montana	No									
Nebraska Helen Meeks NE Dept Health & Human Services, Licensure Unit 402-471-0179 helen.meeks@hhs.ne.gov	Yes Under health care facility licensure requirements http://www.dhhs.ne.gov/reg/t175.htm	NE doesn't operate crim bkg ck prog. Facilities must complete crim bkg cks on unlicensed dir care staff through gov law enf agy or priv vendor that maintains crim bkg info and/or search NE registries for no adverse findings	LTC, ALF, HOS, ICF/MR	Yes See resp 2 & 6	No	\$38 for initial license to practice a profession auth to prescribe controlled substances as determined by dept shall be subj to crim bkg ck	Unknown	Facility or NE State Patrol for professional license	No	No
Nevada (CMS Pilot Prog) Ms. Kerry McKinney NV State Health Division Bureau of Licensure & Certification 775-687-4475 x252 kmckinney@health.nv.gov	Yes, state law NRS 449.176-188 http://leg.state.nv.us/NRS/NRS-449.html#NRS449Sec176	FP, FBI & NV criminal history record	Covered facilities defined in NRS. Include: LTC, ALF, landlord at senior housing for aged >55, med & non med home community based services, intermed care for IDD & post op, & residential grp homes >2 beds	Yes, all paid workers & independent contractors working at covered facility type are screened	Yes NRS 449.188 http://leg.state.nv.us/NRS/NRS-449.html#NRS449Sec188	\$21 state criminal FP ck, \$24 FBI FP ck, \$8-20 law enformt or 3 ^d party commercial for fgrprt card. Effective 10/07: \$19.25 FBI electronic submission or \$30.25 printed card submission, other chgs same	Employer or applicant may share cost. State law allows applicant to be chged ½ the fee	Dept of Public Safety -- State Police	No Allow applicant to challenge results if present evidence results are inaccurate (eg, court documents)	No Can't keep civil records beyond 6 mos
New Hampshire Robert Ehlers Dept Health & Human Servs Health Facilities Administration 603-271-4967 rehlers@dhhs.state.nh.us	Yes, law http://www.gencourt.state.nh.us/rsa/html/XI/151/151-2-d.htm http://www.gencourt.state.nh.us/rsa/html/XI/151/151-3-c.htm http://www.gencourt.state.nh.us/rsa/html/XXX/326-B/326-B-15.htm	Currently: Name, SSN & DOB; Effective 9/1/07, FP ck	LTC, ALF, HHA, HPC	Yes, by license: RN, LPN, licensed nursing assistant, home health aid	Discretionary. Statute reads: "facility shall review the results of the criminal conviction record check before making a final offer of employment"	\$15. Form asks for name, DOB, driver's license # http://www.nh.gov/safety/divisions/nhsp/ssb/crimrecords/documents/dssp256.pdf	Health care worker	Div of State Police	Yes	No

State Contact Info	Are there requirements under state law, admin rules or procedure?	Is criminal background ck: Named based, SSN ID, DOB, FP, FBI, other?	What services require bkg ck?	Do regulations specify which direct care workers required to have bkg ck?	Do regs identify disqualifying events/violations that bar emp?	Cost of bkg check?	Who pays for bkg check?	Who completes bkg check verification?	Does state provide appeals process?	Will state provide confirmation of bkg check completed w/in past year?
New Jersey Ray Sweeney Dept of Health & Senior Services 609-292-4247 raymond.sweeney@doh.state.nj.us	Yes, rules http://www.state.nj.us/health/healthfacilities/documents/ltc/regnjac839.pdf , sub chpt 9.3(b), pg 33 http://www.state.nj.us/health/healthfacilities/documents/ltc/regnjac836.pdf	Not prescribed, fac may use commercial service or state police	LTC, ALF, ADC & adult fam care hms	Yes, ADC – owner & admin; cert medication aide, hmkker hlth aide, nurse aide, pers care assist and/or cert assist liv admin All prof hlth care licensees bkg ck through prof & occup licen brd	Yes, facility has broad discretion	Contact did not know cost, but depends on how bkg ck done – whether commercial company or state police	Not regulated by dept -- can be provider or health care worker	Div of State Police & FBI	No	Yes, but cannot disclose results of bkg ck
New Mexico (CMS Pilot Prog) Santiago Sandoval Dept of Health, Div of Health Improvement 505-476-0800 santiago.sandoval@state.nm.us	Yes, state law and admin rule Sec 29-17-2 through 29-27-5, NMSA and 7.1.9 NMAC http://www.nmcpr.state.nm.us/nmac/parts/title07/07.001.0009.htm	FP	LTC, gen acute care, ALF, retirement home, HHA, or any facility that receives Medicare/Medicaid. Refer to 7.1.9.7.E NMAC for the complete list of servs	Yes, any person whose emp or contractual serv w/care provider includes dir care or routine and unsupervised physical or financial access to recipient. Licensed pros (e.g., RN, PT, physician, etc) excluded under “hosp caregiver” def which applies to gen acute care	Yes http://www.nmcpr.state.nm.us/nmac/parts/title07/07.001.0009.htm , Sec J	FP ck: \$65 full nationwide and statewide ck; \$20 modified statewide ck only. If applicant had full ck w/in 12 mos and chgs emp, only modified ck	Health care provider	Dept of Health, Criminal Hist Screening Prog	Yes	Yes
New York Mary Ann Monaco NY State Dept of Health 518-408-1272 mxm13@health.state.ny.us	Yes, law and rules http://www.health.state.ny.us/nysdoh/phforum/ny_crr10.htm , Volume C Part 402 http://www.health.state.ny.us/professionals/nursing_home_administrator/docs/dal_06-12_new_chrc_program_implementation.pdf	FP, name, DOB & some physical characteristics also collected	LTC, HHA & state licensed home care agencies	Yes, any person employed or used by nursing hm/home care agcy to provide dir care or supervision to patients	Yes, rap sheet reviewed by state legal staff; discretionary consideration given for rehabilitation	State ck \$75; FBI \$19.25 per print, electronically	Health care provider	NY State Div Criminal Justice Services	Yes, indiv has 30 days	Yes, no info on results

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North Carolina Jesse Goodman Dept of Health Service Regulation 919-855-3988 jesse.goodman@NCmail.net	Yes, state law http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_131D/GS_131D-40.html http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_131E/GS_131E-265.html	State criminal records ck named based; State Bureau Investigation fgprpt – req for applicants in state for >5 yrs	LTC, ALF, HHA & mental health	Yes, anyone w/out occupational license and has dir access to patient	No, the fact of conviction of a relevant offense alone shall not be a bar to employment. See statutes identified in quest 1	Varies by who does ck -- not regulated by state	Usually health care provider	Private entities can purchase Administrative Office of Courts' records or State Bur of Investigation	No	No
North Dakota	No									
Ohio Jayson Rogers Dept of Health 614-466-4627 jayson.rogers@odh.ohio.gov	Yes, state law and code http://codes.ohio.gov/orc/109.572 http://codes.ohio.gov/oac/3701-13 OAC 3701-60 (HHA)	FP	LTC, dir care provider, ALF, ADC, county hm, HHA, HPC, cert portion of HOS	Yes Anyone who provides dir care to an older adult or group of older adults	Yes http://codes.ohio.gov/oac/3701-13-05	\$40: incl \$24 OH ck & \$16 FBI	Health care provider and applicant	Attorney Gen, Bur of Criminal Identification	No, but fac may hire applicant pursuant to 3701-13-06 pers char stand http://codes.ohio.gov/oac/3701-13-06	No
Oklahoma Dorya Huser (LTC) Dept of Health 405-271-6868 doryah@health.ok.gov Tom Welin (HHA & HPC) Dept of Health 405-271-6567 tomw@health.ok.gov	Yes, state law (LTC) http://www.health.state.ok.us/program/condiv/675act.pdf , pg 63 (HHA) http://www.health.state.ok.us/program/medfac/HomeCareAct.pdf , pg 3	Name based	LTC, HHA & HPC	Yes, (LTC) all current emp and applicants; home health aides required to be certified, on registry & bkg cks	(LTC) Yes http://www.health.state.ok.us/program/condiv/675act.pdf , pg 68 (HHA & HPC) No, references in statutes are not specific	Name based \$15	No req as to who pays	OK Bur of Investigation	No	No
Oregon Wendy Heckman Dept of Human Services Criminal Records Unit 503-378-5629 wendy.e.heckman@state.or.us	Yes http://www.oregon.gov/DHS/admin/crim_checks/410_007.pdf http://www.oregon.gov/DHS/admin/crim_checks/index.shtml	Search: name, SSN, DOB in-state only; various state registries; if applicant self discloses or indicates out-of-state res or identity in question, then FBI ck	LTC (Medicare certified), ALF, HHA, respite, mental hlth or DD	Yes Anyone who has dir contact w/patient, licensed/certified, registered or regulated by DHS http://www.oregon.gov/DHS/admin/crim_checks/index.shtml#who	Yes http://www.oregon.gov/DHS/admin/crim_checks/410_007.pdf , Sec 0280	\$12 sr facility fee	Facility pays FP fee	State licensing agency	Yes	Yes

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Pennsylvania Trudy Schell PA Dept of Aging 717-265-7887 trsshell@state.pa.us	Yes, state law http://www.aging.state.pa.us/psolinetraining/cwp/view.asp?a=3&Q=244387	FP, FBI, state police	LTC, domiciliary care hms, HHA, ADC, pers care hms, HPC, comm res rehab srvs comm hms for indiv w/mr, fam liv hms, and state hosp	Yes, all applicants, admins, and any operators who have or may have direct contact with a recipient	Yes http://www.aging.state.pa.us/psolinetraining/cwp/view.asp?a=3&Q=242763	Currently FBI \$24; eff 9/15/07 FBI \$30.25	Health care provider	PA State Police	Yes	Yes
Rhode Island Adele Renzulli RI Dept of Health 401-222-4536 adele.renzulli@health.ri.gov	Yes, state law http://www.rilin.state.ri.us/statutes/title23/23%2D17/23-17-34.HTM	Statewide ck only, no FP ck	LTC, ALF, HHA, HPC & HOS	Yes, all dir care staff, new hires must be ck by end 1st wk of emp	Yes http://www.rilin.state.ri.us/statutes/title23/23%2D17/23-17-37.HTM	If done by local police no chg; \$5 if attn gen's office does ck	Health care provider	Law enforcement	No for felonies; at fac discretion to hire for misdemeanor s	No, would have to contact previous emp
South Carolina Kelly Barrett Dept of Health & Environmental Control 803-545-4049 barretkl@dhcc.sc.gov	Yes, Code of Regulations §44-7-2910 http://www.scstatehouse.net/code/t44c007.htm http://www.scdhec.gov/health/licen/hlcbrc3.pdf#xml=http://www.scdhec.gov/cgi-bin/texis.exe/Webinator/search/xml.txt?query=44-7-2910&pr=www&prox=page&rorder=750&rprox=750&rdfreq=250&rwfreq=500&rlead=1000&sufs=1&order=r&cq=&id=46daaab41f http://www.scdhec.gov/health/licen/memo1g.htm	Mandatory 1st state FP ck; 2nd FBI if res <12 mos	LTC, ADC, HHA, & comm res	Yes, RN, LPN, CNA, volunteers, or any licensed prof emp by or contracting with a dir care entity who pro dir care or servs. Students exempt	Yes Comm res http://www.scdhec.gov/administration/regs/docs/61-84.pdf , pg 15 HHA http://www.scdhec.gov/administration/regs/docs/61-77.pdf , pg 13	State \$25; FBI \$32.25 & volunteer \$15.25 10/1/07	Health care worker	State Law Enforcement Div or priv bus which conducts bkg cks if utilizes current crim records from State Law Enf Div or FBI to determine crim record	No	No, would have to contact former employer
South Dakota	No									
Tennessee Carol Kennedy Dept of Health 615-253-5515 carol.kennedy@state.tn.us	Yes, state law (not codified yet) http://tennessee.gov/sos/acts/105/pub/pc0182.pdf	Name, SSN, DOB & FP	Only new licensees: LTC, ALF & HHA	Yes, anyone in health care field	Yes, determined by professional licensing brds	\$48 FP crd; \$56 electronic FP ck TN Bur Investigation & FBI	Health care worker, may be shared with employer	TBI & FBI	Professional brd would make this determination	No, would have to contact prof brd

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Texas Bevo Morris Dept of Aging & Disability Servs 512-4382363 bevo.morris@dads.state.tx.us	Yes state law http://tlo2.tlc.state.tx.us/statutes/hs.toc.htm , chpt 250	Name, race , sex & any identifying # for person	LTC, ALF, HHA, ADC, ICF/MR & HPC	Yes, anyone with dir contact w/ resident or client	Yes http://tlo2.tlc.state.tx.us/statutes/hs.toc.htm , chht 250.006	Name based \$10; FP \$15	Health care provider	Law enforcement	No	No
Utah Donna Riley Dept of Health, HSLHF 801-538-9287 driley@utah.gov	Yes, law & code http://le.utah.gov/~code/TITLE26/htm/26_14012.htm http://www.rules.utah.gov/publicat/code/r432/r432-035.htm	Ck of state registries name based; if lived in state <5yrs, FBI FP ck	LTC, HHA, HPC, ALF, sm hlth care fac, & ERD	Yes, each fac admin is resp to define what pos provide dir care	Yes http://www.rules.utah.gov/publicat/code/r432/r432-035.htm#T5	FBI \$24 per person, local clearance ck incl in licensing fee	Health care provider. FBI fees covered by either the provider or applicant at provider's discretion	State licensing/certific ation agency	Yes	Yes
Vermont Lorraine Wargo Dept of Disabilities, Aging & Independent Living 802-241-3186 lorraine.wargo@vail.state.vt.us	No law, agency procedures http://dail.vermont.gov/dail-policies/policies-documents/dail-background-check-policy-april-2006	Name and SSN. Ck Adult Abuse Registry, VT Crime Info Ctr & motor veh record for volunteers & those who transport people	ADC, attendant servs, waiver servs, DD, HHA & trauma brain injury waiver services	Yes, anyone who provides care or manages funds on behalf of person receiving servs	Yes, Sec VIII-C	\$5.00	Employer	Hiring facility	No, variance process	No
Virginia Carrie Eddy (LTC, HHA & HPC) Dept of Health 804-527-4502 carrie.eddy@vdh.virginia.gov David Stasko (Home-based Care Providers) Dept of Social Services 540-347-6313 david.stasko@dss.virginia.gov Judy McGreal (ALF & ADC) Dept of Social Services 804-726-7157 judith.mcgregal@dss.virginia.gov	Yes, state law and regulation (LTC) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+32.1-126.01 (HHA & HPC) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+32.1-162.9C1 (Home-based Care) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-1601.1 (ALF & ADC) http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-1720 & 1721 http://leg1.state.va.us/000/reg/TOC22040.HTM#C0090	Name based, DOB, SSN & some phy characterizes	LTC, ALF, HPC, HHA, agency approved providers (companion, chore, homemaker servs) AFH & ADC	Yes, (LTC, HHA & HPC) any compensated employee; (AFH) provider & assistant and any other household members who have contact w/client; (ALF & ADC) any compensated employee; (ALF) any licensee	Yes  barrier crimes guide.pdf http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+63.2-1719	Name based \$15	Health care provider; (Home- based Care Providers) paid by local Dept of Social Services; ALF & ADC not specific who pays for ck	VA State Police	Only if criminal record received by licensed provider is incorrect	No, would have to contact state police http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+19.2-389

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Washington Lamona Foster Dept of Social & Health Servs, Background Check Central Unit 360-902-7823 fostelj@dshs.wa.gov	Yes, state law http://apps.leg.wa.gov/RCW/default.aspx?cite=43.43.830 http://apps.leg.wa.gov/RCW/default.aspx?cite=43.43.842 , Sec 1,2,5,17 & 18 http://apps.leg.wa.gov/RCW/default.aspx?cite=43.20A.710 , Sec 4	Named based and DOB for instate search for LTC, boarding home (ALF), and adult family home. For home & comm. based servs, an in-state name/DOB ck if applicant lived in state >3 yrs. FBI ck if applicant lived in state <3yrs. Also ck of local data bases for substantiated reports of abuse & neglect	LTC, boarding homes (ALF), and home & community based services	Yes, anyone w/unsupervised access to vulnerable adults RCW 43.20A.710, Sec 1c	Yes http://apps.leg.wa.gov/RCW/default.aspx?cite=43.43.830 , Sec 5 http://apps.leg.wa.gov/RCW/default.aspx?cite=43.43.842	No chg to applicant -- \$54 for FP based background ck -- \$24 FBI & \$30 WA print ck	State	DSHS	Yes	Subject of background check would need to submit a public disclosure request for DSHS to release the information
West Virginia John Wilkinson Dept of Health & Human Resources 304-558-0585 johnwilkinson@wvdhhr.org	Yes, rules http://www.wvdhhr.org/ohflac/Rules/default.htm	Specificity of criminal bkg ck different by fac type	LTC, ADC, HPC, HOS, ALF, Res Care Communities & Alzheimer's/Dementia Special Care Units	Varies: prof brds ck licence in good standing and non prof or dir care wkrs generally req crim bkg ck	Yes, varies by rule and fac type http://www.wvdhhr.org/ohflac/Rules/default.htm	FP ck \$10 & FBI \$25-30	Health care provider but cost may be passed on to employee	Law enforcement	Not specified in rules	No
Wisconsin (CMS Pilot Prog) Rebecca Swartz Office of Caregiver Quality, Division of Quality Assurance 608-264-6721 swartrj@dhfs.state.wi.us	Yes, state law http://www.legis.state.wi.us/rsb/code/hfs/hfs012.pdf	State named based	LTC, ALF, retirement homes, HHA, HPC	Yes, a person employed by or under contract who has regular or direct contact with clients or the personal property of the client and is under their control	Yes http://www.legis.state.wi.us/rsb/code/hfs/hfs012_app_a.pdf http://dhfs.wisconsin.gov/caregiver/pdf/files/Chap4-FindingsConvictns.pdf	Fee is dependent on type of agency	Health care provider	Provider. Provider pays fee to Dept of Justice to access their data base	Yes	No
Wyoming	No									

Acronyms

Adult Day Care	ADC
Adult Foster Care	AFH
Assisted Living Facility	ALF
Certified Nurse Aide	CNA
Date of Birth	DOB
End-Stage Renal Dialysis Facilities	ERD
Fingerprint	FP
Home Health Agency	HHA
Hospice	HPC
Intermediate Care Facility for the Developmentally Disabled	ICFDD
Intermediate Care Facility for the Mentally Retarded	ICFMR
Long Tern Care	LTC
Social Security Number	SSN